

parcels are owned by the same party so it should be easy. This plan proposes shared driveways and a stormwater management system. There is a basis system but it needs to be brought up to current standards. There is no tie-in available to the City sewer so they are proposing a septic system. The proposed uses do not require much water and the buildings will have sprinklers. Mr. Doto then addresses the Departmental comments. He added that they do not intend to have eighteen-wheelers traveling through the loading zone. Mr. Urice asked if the Fire Marshal had any concerns about access and egress from the rear of the building. Mrs. Emminger said it was not included in the letter she received from DFM John Osborne. She said she would double check with him. Mr. Doto said he could answer that question because it came up during the EIC hearing. He said EIC had asked for the second driveway to be eliminated in order for safety reasons and also to protect the wetlands. Mr. Doto continued saying that he had met with Deputy FM Osborne and he provided a letter to the EIC stating he wanted the driveway like it is shown.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mr. Urice made a motion to continue the hearing because they are waiting for revised plans to be submitted. Mr. Keller seconded the motion and it was passed unanimously.

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7:45 PM – Natram Associates – Application for Special Exception to Permit Installation of Telecommunication Antennas on Existing Freestanding Sign (“Quality Inn”) in the CG-20 Zone – 106 Federal Rd. (#L09025) – SE #703.

Mr. Keller read the legal notice. Chairman Finaldi said they have received the staff report from Mrs. Emminger as well as a packet of information from the applicant. Attorney Scott Muska from Brown-Rudnick spoke in favor of this. He said this is a request to install wireless antenna on the existing billboard that contains the Quality Inn sign. He said this is the second most favored location for this type of facility. He said also with him was Derek Weber from Clear Wireless LLC, which is the company actually is the applicant. This installation will consist of three panel antennas on proposed pipe mounts that will hang from the existing sign. The equipment and cabinet will be located within an existing outdoor fenced area that already contains T-Mobile & and Nextel equipment. This property is located within the General Commercial zone and is surrounded by other commercial properties. Attorney Muska said this application complies with all of the requirements in Sec. 3.E.6. of the Zoning Regs. He added that this antenna will enhance service along I-84 and roads in the vicinity of the site.

Mr. Keller asked if there will be any space left after these antennas are placed. Mr. Weber said the landlord has some conditions that have severely limited the available space on this billboard, so this will probably be it. Mr. Urice asked how low it will hang and if it would interfere with the line of sight. Attorney Muska said it will not affect the sight line because it will be too high.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mrs. Emminger said they need to continue the hearing because the applicant still has to submit an authorization letter and the legal description. Mr. Urice suggested the Commission direct Mrs. Emminger to prepare a draft resolution of approval as long as those documents are submitted. Attorney Muska said he would be sure that was done. Mr. Keller made a motion to continue the public hearing. Mr. Urice seconded the motion and it was passed unanimously.

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8:00 PM– First Congregational Church – Application for Special Exception to allow Wireless Telecommunications Facility in the RH-3 Zone – 162 Deer Hill Ave. (#14104) – SE #704.

Mr. Keller read the legal notice. Chairman Finaldi said they have received the staff report from Mrs. Emminger as well as a packet of information from the applicant. Attorney Scott Muska from Brown-Rudnick spoke in favor of this. He said this is a request to install wireless antenna within the cupola of the church that is located across the street from City Hall. Also with him was Tom Shevlin from Metro PCS of NY, LLC which is the company that is the applicant. The installation will consist of six panel antennas concealed behind the pillars of the church steeple. The equipment and cabinets will be placed inside the church's attic. Mr. Shevlin said that there currently are other antennas inside the church building. The proposed wireless facility is completely enclosed within in the church steeple. This installation is a most preferred location for a wireless facility. This property is located within the RH-3 zone and is surrounded by commercial/office properties. Attorney Muska said this application complies with all of the requirements in Sec. 3.E.6. of the Zoning Regs. He added that this antenna will enhance service along I-84 and roads in the vicinity of the site. Mr. Shevlin explained that there are eight columns that surround the cupola. The columns will be removed and replaced with six columns. The existing columns are made of wood, but the new columns will be made of a stronger composite material. Mr. Keller asked what impact this replacement will have on the structure of the steeple. Attorney Muska said the columns are decorative, not structural. Mr. Urice asked if this building is on the Registry of Historic Places. Mr. Shevlin said it is not. Ms. Hoffstaetter asked where the GPS unit would be located. Mr. Shevlin said it will be in the attic with the other equipment. He added that it is only the size of a to-go coffee cup, so that should not be a concern.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mr. Keller made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Keller then made a motion to move this matter to item one under Other Matters so the Commission can give Mrs. Emminger some guidance. Mr. Urice seconded that motion and it was passed unanimously.

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CONTINUATIONS OF PUBLIC HEARINGS:

John E. Haga – Application for Waiver to Sec. B.12, Chap. 4 of the City of Danbury Subdivision Regulations for five (5) lot subdivision (“Capitola Estates”) in the RA-40 Zone – 3, 5, 9, 11 &13-17 Capitola Rd. (#G07113, #G07114, #G07115, #G07116 & #G07006) – SUB #96-03. Public hearing opened 6/16/10. First 35 days were up 7/20/10. Extension granted to 8/25/10.

John E. Haga – Application for five (5) lot subdivision (“Capitola Estates”) in the RA-40 Zone (8.48 acres) – 3, 5, 9, 11 &13-17 Capitola Rd. (#G07113, #G07114, #G07115, #G07116 & #G07006) – SUB #96-03. Public hearing opened 6/16/10. First 35 days were up 7/20/10. Extension granted to 8/25/10.

Mrs. Emminger announced that the applicant's attorney has granted extensions to the September 15th meeting. She added that we are still waiting for the Engineering Dept. comments regarding the letter written by Corporation Counsel. The applicant's engineer was unavailable this evening. Mr. Urice made a motion to continue the public hearing. Mr. Keller seconded the motion and it was passed unanimously.

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White Street Duchess Property LLC – Application for Special Exception to allow Gas Station & Convenience Store (“One Stop”) in addition to existing Drive-Thru Restaurant in the CG-20 Zone –

276-280 White St. (#K13031) – SE #556. Public hearing opened 7/7/10 – 35 days were up 8/10/10. Extension granted to 9/9/10.

Attorney Neil Marcus said there is not a lot more input from him on this. They had received the letter from their traffic engineer in response to Mr. Urice's questions. Mr. Urice said that letter did not tell him anything. He said he had thought he was specific in asking his question, but it still was not answered. Attorney Marcus said the next issue has to do with how the existing use on the site will meld with what this application is proposing. He said they have eliminated all of the tables and chairs and 1,900 sq.ft. will be devoted to the convenience market. He added that parking and trip generation calculations have been allocated according to specific numbers for each use and the Grant of Special Exception will contain specific limitations for each use. He said they are not expecting a blanket approval, the exact maps and site plans will be listed in the approval. He said he is asking them to rely on the Staff's analysis of the site plan. In closing he said there are no outstanding zoning issues and the City Traffic Engineer is satisfied, so there is nothing else left to discuss.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mr. Urice asked what will happen if the applicant attempts to change the square footage of either use. Mrs. Emminger said Sec. 10.D.8. specifically lists the things that can be changed without requiring the applicant to come back to Commission. She added that any kind of revision that would change the trip generation would cause them to come back to Commission. Attorney Marcus said they will make this specific to the plan so that any change of use would require them to come back before the Commission.

Mr. Urice made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this to number two under Other Matters so they can discuss it. Mr. Keller seconded the motion and it was passed unanimously.

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Plumpar LLC – Application for Special Exception for Warehouse/Storage of Construction Equipment in addition to previously approved uses in the IG-80 Zone – 25 Plumtrees Rd. (#M12014) – SE #698. Public hearing opened 7/27/10 – 35 days will be up 8/30/10.

Ben Doto PE said revised plans were submitted on August 17, 2010. The Building Dept wanted some additional information and the Fire Dept. wanted a hydrant, so they addressed both of those items. He said they still have not decided if they will put sprinklers in the building. Also Engineering has asked them to remove the plantings that are proposed over the existing sewer easement.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mrs. Emminger said although they are waiting for sign-offs from Building and Engineering, there is nothing substantive left that cannot be addressed in the resolution.

Mr. Urice made a motion to close the public hearing. Mr. Keller seconded the motion and it was passed unanimously. Mr. Urice made a motion to move this to Other Matters so they can discuss it. Mr. Keller seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

28 Division St. LLC -Application for Special Exception for Housing Incentive Option/Affordable Housing Application ("White House Commons") in the RMF-4 Zone - 28 Division St. (#H15277) - SE 696. Public hearing closed 7/27/10 - 65 days to make decision will be up 9/29/10.

Chairman Finaldi suggested they discuss this tonight. They are not going to vote on it because Mr. Cerminara is not here and Mr. Keller is not eligible. Mr. Keller said he has already made arrangements to come into the Planning Office and listen to the tapes, so he will be eligible.

Mrs. Emminger reviewed the resolution, pointing out the condition that states any changes to the approved plan, will require them to come back to the Commission. She said there is a requirement in perpetuity for the stone veneer on all of the retaining walls. Also maintenance (in perpetuity) is required for the vinyl fence along the rear property line. She said there is very specific language for the plantings. If they are not maintained or replaced, the standard procedures will be followed. Any propose planting substitutions require approval from the Planning Dept. The Zoning Enforcement Officer will verify that the retaining walls do not encroach on any of the adjacent properties. There is an easement required to permit the installation of the fence along the 25 Pleasant St. property line. The details for the veneer finish on the retaining walls are to be approved by the Planning Dept. before the permits are issued. She said the 26 conditions really give teeth to the resolution and do not allow for the applicant to make any changes halfway through the project. Mr. Keller asked if they can get some sort of regulation in place that would prohibit the clear cutting of land before they property owner receives any approvals. Mrs. Emminger said presently, as long as they are not logging, there is nothing on the books to prohibit them from clearing the lot. Mr. Urice suggested they put something into the Regulations that would stop any changes once the application has been submitted.

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Public hearing for Draft Stipulated Agreement for Special Exception & Site Plan Approval of Eureka Lake Water Tank for the Town of Bethel, 37 Long Ridge Rd. (#J20026) - SE # 681. Public hearing closed 8/4/10 - 65 days to make decision will be up 10/7/10.

Chairman Finaldi announced that this matter was tabled at the beginning of tonight's meeting.

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Randolph General Properties - Application for Special Exception to allow Medical Office in Existing Building in the IL-40 Zone - 41 Kenosia Ave. (#E17067) - SE #701. Public hearing closed 8/4/10 - 65 days to make decision will be up 10/7/10.

Chairman Finaldi said they had received a draft resolution of approval from Mrs. Emminger dated August 5, 2010. He asked if anyone had any questions on the resolution. Mr. Urice made a motion to approve the resolution as presented. Ms. Hoffstaetter seconded the motion and it was passed unanimously with three Ayes. Mr. Keller abstained from the vote as he was not present at the previous meeting.

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REFERRALS:

8-24 Referral/August 2010 CC Agenda Item #1 - Transfer of State Armory, 56-58 West St. (#114102).

Chairman Finaldi said they had received the Department's report on these items. Mrs. Emminger said this will allow ownership of the Armory to be transferred to the City and then to the CT Institute for Communities (CIFIC). Doing this would allow the building to continue to be used for social and human services purposes. She added that they should mention CIFIC in accordance with Special Act 2007-11 in their recommendation. Mr. Keller made a motion to give this a positive recommendation for acceptance of this property for municipal purposes and transfer to the Connecticut Institute for Communities, Inc. in accordance with Special Act 2007-11. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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8-24 Referral/August 2010 CC Agenda Item #6 – Proposed Airport Lease: Westconn Aviation, LLC.

Westconn Aviation, LLC has requested to lease a portion of Airport property so they can conduct fixed-base operator business. They would use a portion of the Sadler Aircraft building. Ms. Hoffstaetter asked what exactly a "fixed-base" operator is. Mr. Urice explained it is a service center for fueling, storing and parking of airplanes, usually located within the airport property. Ms. Hoffstaetter made a motion to give this a positive recommendation subject to the review and approval of said lease by the Corporation Counsel and the specific conditions contained therein requiring the lessee to obtain all land use approvals necessary to construct or occupy the building in accordance with applicable Zoning Regulations. Mr. Keller seconded the motion and it was passed unanimously.

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8-24 Referral/August 2010 CC Agenda Item #9 – Request for Sewer & Water Main Extensions for Wooster School Corp., 91 Miry Brook Rd. (#E19001).

This is a request to extend public water and sewer facilities to serve 57 single family dwellings which could eventually be located on the lot created by the subdivision of the Wooster School property. Mrs. Emminger explained that in April of this year, the Commission approved a two-lot subdivision. There was discussion then about the possibility of a cluster subdivision that might be built on the site. It was also stated that a lot line revision would be necessary because neither of the lots created in the subdivision would be large enough to accommodate the cluster development. At the August 5th meeting, the applicant's attorney requested an extension to file the Mylar showing the April approval. Mrs. Emminger had explained that the reason they needed the extension was because she is still working with the Airport Administrator to get the notes on the mylar to his satisfaction. They cannot bring in the proposed lot line revision since the original mylar has not yet been filed. And they need to wait until the lot line revision is approved to apply for the sewer and water extensions. Mrs. Calitro's report stated that *"Until a lot of sufficient size is created that can support a development of 57 single family dwelling units, the action requesting utility extensions would serve a proposed development that does not comply with zoning regulations and as such fails to meet the condition for the granting of such extensions as noted in the Plan of Conservation and Development"*. Mr. Urice made a motion to give this a negative recommendation. Mr. Keller seconded the motion and it was passed unanimously.

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OTHER MATTERS:

First Congregational Church – Application for Special Exception to allow Wireless Telecommunications Facility in the RH-3 Zone – 162 Deer Hill Ave. (#114104) – SE #704.

Chairman Finaldi asked for comments from the Commission members in order to give Mrs. Emminger some guidance in preparing the draft resolution. Mr. Keller said he believes that the way they are proposing to install these will preserve the artistic integrity and the aesthetics of the building. The other Commission members said that they agreed with Mr. Keller and had no problems with this application.

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White Street Duchess Property LLC – Application for Special Exception to allow Gas Station & Convenience Store (“One Stop”) in addition to existing Drive-Thru Restaurant in the CG-20 Zone – 276-280 White St. (#K13031) – SE #556.

Chairman Finaldi asked for comments from the Commission members in order to give Mrs. Emminger some guidance in preparing the draft resolution. Mrs. Emminger said all of the City Dept.’s are satisfied. Mr. Urice said this is a tricky location; it could be switched to a less intense use that generates more vehicle trips. Mrs. Emminger said their traffic engineer, Mr. Dittman, had done his best to prove that the traffic light would solve many of the problems. Mr. Urice reminded her about putting the caveat into the resolution about any subsequent internal changes of use.

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Plumpar LLC – Application for Special Exception for Warehouse/Storage of Construction Equipment in addition to previously approved uses in the IG-80 Zone – 25 Plumtrees Rd. (#M12014) – SE #698. Public hearing opened 7/27/10 – 35 days will be up 8/30/10.

Chairman Finaldi asked if anyone had any comments. Mrs. Emminger said she needs to wait until all of the Departmental responses are back before she can prepare the resolution. Since they have a meeting next week, it probably won’t be ready for that night.

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There was nothing under Correspondence and Under For Reference Only was listed six applications for Floodplain Permits and a public hearing scheduled for September 1, 2010.

At 9: 30 PM, Mr. Keller made a motion to adjourn. Mr. Urice seconded the motion and it was passed unanimously.